

HOUSE BILL NO. 321

INTRODUCED BY FACEY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY PARK DISTRICT TO PURCHASE REAL PROPERTY FOR USE AS PARK AND RECREATION LAND WITH CONCURRENCE OF THE COUNTY GOVERNING BODY OR BODIES; AND AMENDING SECTIONS 7-16-2401, 7-16-2423, AND 7-16-2433, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-16-2401, MCA, is amended to read:

"7-16-2401. Park and recreation land -- definition. As used in this part, "park and recreation land" means real property, buildings, and fixtures on:

- (1) land designated as park land or recreational land by the grant or deed of ~~such the~~ land to the county;
- (2) land owned, leased, or otherwise possessed by a county or county park district and ~~which that~~ the governing body of a county or the county park district commission has designated as park or recreational land;
- (3) land belonging to a public or private entity or person who has donated the recreational rights to ~~such the~~ land to a county park district on behalf of the county; or
- (4) land ~~which that~~, by agreement between an owner of land and a county park district, the district may use for park or recreational purposes."

Section 2. Section 7-16-2423, MCA, is amended to read:

"7-16-2423. Powers of county park district commission. A county park district commission has all powers necessary for the acquisition, betterment, operation, maintenance, and administration of park and recreation land within the territory of the district. In the exercise of this general grant of powers, the county park district commission may:

- (1) employ or contract with administrative, professional, and other personnel necessary for the operation of the district;
- (2) WITH THE CONCURRENCE OF THE COUNTY GOVERNING BODY OR BODIES, lease or purchase real property for use as park and recreation land;
- ~~(2)(3)~~ lease, purchase, or contract for the purchase of personal property, including property that after

1 purchase constitutes a fixture on real property;

2 ~~(3)~~(4) lease, purchase, or contract for the purchase of buildings and facilities on lands controlled by the
3 district and equip, operate, and maintain the buildings and facilities;

4 ~~(4)~~(5) adopt by resolution rules for the operation and administration of all parks and recreational facilities
5 under its control;

6 ~~(5)~~(6) impose by resolution and collect charges for those services and facilities provided by the district
7 that the commission considers necessary for the prudent operation of the district;

8 ~~(6)~~(7) subject to 15-10-420, establish a property tax mill levy for the operation of the district as provided
9 in 7-16-2431;

10 ~~(7)~~(8) establish a fee on each household for the operation of the district as provided in 7-16-2431;

11 ~~(8)~~(9) enter into agreements with any public or private entity or person for the operation of parks or
12 recreational areas either by the district on behalf of the landowner or by another entity on behalf of the district;

13 ~~(9)~~(10) with the concurrence of the county governing body or bodies, accept donations OR DEVISES of
14 land or recreational-type easements on land within the district for park or recreational purposes on behalf and
15 in the name of the county or counties;

16 ~~(10)~~(11) accept donations and devises of money or personal property."

17
18 **Section 3.** Section 7-16-2433, MCA, is amended to read:

19 **"7-16-2433. Park district bonds authorized.** (1) A county park district may borrow money by the
20 issuance of its bonds to provide funds for payment of all or part of the cost of lease or purchase of park and
21 recreation land or of construction, acquisition, furnishing, equipping, extension, and betterment of park facilities
22 and to provide an adequate working capital for park facilities.

23 (2) The amount of bonds issued for the purposes provided in subsection (1) and outstanding at any time
24 may not exceed 1.22% of the total assessed value of taxable property, determined as provided in 15-8-111,
25 within the district, as ascertained by the last assessment for state and county taxes prior to the issuance of the
26 bonds.

27 (3) The bonds must be authorized, sold, and issued and provisions made for their payment in the
28 manner and subject to the conditions and limitations prescribed for bonds of school districts by Title 20, chapter
29 9, part 4."

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